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2016 JUN 30 AM 9:14



OFFICE OF GENERAL
COUNSEL

Jonathan S Miller
Member
859.244.3218 (t)
859.231.0011 (f)
jnmiller@fbtlaw.com

June 29, 2015

Federal Election Commission
Office of Complaints Examination & Legal Administration
Attn: Mary Beth deBeau, Paralegal
999 E Street, NW
Washington, DC 20436

RE: MUR 7084

Dear Ms. deBeau:

As counsel for Kimble Companies/Penn-Ohio Coal Company ("Kimble Company") and Mr. Eric Kimble in the above referenced matter, we write in response to your office's June 15, 2016 Notice of Complaint (the "Complaint"). As outlined below, and evidenced in the paperwork attached, no action should be taken against our clients in this matter, as they have clearly not violated the Federal Election Campaign Act of 1971 (the "Act"). Indeed, as discussed herein, the political contribution to the Scott Taylor for Congress campaign which is at issue in the Complaint was made not by Kimble Company, but instead was a personal contribution made by Eric Kimble, an officer of the company, from his personal bank account. Even if Kimble Company were a federal contractor – and it is not apparent that it is – Mr. Kimble's personal contribution is manifestly exempted from prohibition by the Act under 11 CFR Part 115.6.

Kimble Company is a privately held for-profit corporation based in Dover, Ohio. The company was previously named Penn Ohio-Coal Company but changed its name to Kimble Company in 2012.¹ Kimble Company operates a landfill, recycling center, several transfer stations, mines coal, and aggregates and provides management services for an affiliate oil and gas and real estate holding company. Kimble Company is the sole owner of Kimble Recycling & Disposal, Inc. which is a waste hauling company covering Eastern Ohio. It only deals in non-hazardous waste. It has a total of seven hundred (700) employees.

Kimble Company is owned entirely by Doris J. Kimble, Keith Kimble, Eric Kimble, and Greg Kimble, each of whom owns 14.16 shares of the company's stock. In addition to being a shareholder, Eric Kimble is also a director, officer (Secretary), and employee of the Kimble

¹ See Amendment, Exhibit 1.

Company. He is not the sole owner or proprietor of the company.²

On or about January 23, 2016, Mr. Kimble made a five hundred dollar (\$500) personal contribution to the Scott Taylor for Congress campaign on his private credit card.³ This donation was clearly under the limit for personal contributions as outlined by federal law.⁴ The contribution was also made from Mr. Kimble personally, and was not a donation on behalf of the Kimble Company. Mr. Kimble pays his credit card statements with personal funds and was not reimbursed by the company for his campaign contribution.⁵ Such an individual contribution is consistent with Mr. Kimble's constitutional right to political expression, as outlined in *Buckley v. Valeo*.⁶

The Complaint alleges that this contribution represents a violation of 52 U.S.C. § 30119, 11 C.F.R. § 115.1(a) and 115.2, as part of a scheme engaged in by congressional candidate Scott Taylor to improperly solicit and accepting contributions from federal contractors. However, we do not believe that Kimble Company can be classified under the Act as a "federal contractor." We are unaware of the company engaging in, or negotiating or bidding for, any contracts with federal agencies at the time of the contribution.

Even if our understanding is incorrect, and Kimble Company was indeed a federal contractor at the time of the contribution -- and thereby prohibited by the Act from making political contributions to federal campaigns -- Eric Kimble's personal contribution was entirely proper. Under the clear exception outlined in 11 C.F.R. § 115.6, Eric Kimble's status within the Kimble Company specifically allows the contribution in question. The section reads in full: "Nothing in this part shall prohibit the stockholders, officers, or employees of a corporation, the employees, officers, or members of an unincorporated association, cooperative, membership organization, labor organization, or other group or organization which is a Federal contractor from making contributions or expenditures from their personal assets."

As discussed above, Eric Kimble is a stockholder, officer, and employee of the Kimble Company, who made his contribution from his personal assets. So even if Kimble Company were determined to be a federal contractor, Eric Kimble's contribution is not prohibited by the Act, and was made fully consistent with federal election law.

In summary, Mr. Kimble's contribution of \$500 to the Scott Taylor for Congress campaign from his personal funds was entirely proper and legal under the Act. His contribution was not made on behalf of the Kimble Company. Mr. Kimble's status as an officer, stockholder, and employee of the Kimble Company would not preclude him from exercising his right to political expression in the manner in which it was exercised. Accordingly, no action should be taken against Mr. Kimble or the Kimble Company for this contribution in this matter.

² See N. Vaughan Affidavit, Exhibit 2.

³ See Credit Card Statement, attached as Exhibit 3.

⁴ 52 U.S.C. § 30116(a)(1) (West, 1976).

⁵ See Affidavit of Eric Kimble, attached as Exhibit 4.

⁶ 424 U.S. 1, 143 (1976).

Re: MUR 7084
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Should you have any questions regarding this matter, please do not hesitate to contact either of us.

Sincerely,



Jonathan S. Miller
Kevin Havelda

FROST BROWN TODD, LLC



| | | | | | | | |
|------------|--------------|--------------------------------------|--------|-------|---------|------|------|
| DATE: | DOCUMENT ID | DESCRIPTION | FILING | EXPED | PENALTY | CERT | COPY |
| 02/21/2012 | 201205200289 | DOMESTIC/AMENDMENT TO ARTICLES (AMD) | 50.00 | .00 | | .00 | .00 |

Receipt

This is not a bill. Please do not remit payment.

CT CORPORATION SYSTEM
4400 EASTON COMMONS WAY, SUITE 125
TIMOTHY ROBERSON
COLUMBUS, OH 43219

STATE OF OHIO CERTIFICATE

Ohio Secretary of State, Jon Husted

234229

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

KIMBLE COMPANY

and, that said business records show the filing and recording of:

Document(s)

DOMESTIC/AMENDMENT TO ARTICLES

Document No(s):

201205200289



United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of
the Secretary of State at Columbus,
Ohio this 15th day of February,
A.D. 2012.

Ohio Secretary of State



Prescribed by:
The Ohio Secretary of State
Central Ohio: (614) 466-3910
Toll Free: 1-877-SOS-FILE (1-877-767-3453)

www.sos.state.oh.us
e-mail: busserv@sos.state.oh.us

Expedite this Form: (Select One)

- ☐ Yes PO Box 1390
Columbus, OH 43216
*** Requires an additional fee of \$150 ***
- ☐ No PO Box 1329
Columbus, OH 43216

**Certificate of Amendment by
Shareholders or Members
(Domestic)
Filing Fee \$50.00**

(CHECK ONLY ONE (1) BOX)

| | |
|--|--|
| (1) Domestic for Profit <input type="checkbox"/> Amended (122-AMAP) | (2) Domestic Non-Profit <input type="checkbox"/> Amended (126-AMAN) |
|--|--|

Complete the general information in this section for the box checked above.

Name of Corporation PENN-OHIO COAL CO.

Charter Number 234229

Name of Officer KEITH B. KIMBLE

Title PRESIDENT

☐ Please check if additional provisions attached.

The above named Ohio corporation, does hereby certify that:

- ☐ A meeting of the ☐ shareholders ☐ directors (non-profit amended articles only)
- ☐ members was duly called and held on _____
- (Date)

at which meeting a quorum was present in person or by proxy, based upon the quorum present, an affirmative vote was cast which entitled them to exercise _____ % as the voting power of the corporation.

- ☒ In a writing signed by all of the ☒ shareholders ☐ directors (non-profit amended articles only)
- ☐ members who would be entitled to the notice of a meeting or such other proportion not less than a majority as the articles of regulations or bylaws permit.

Clause applies if amended box is checked.

Resolved, that the following amended articles of incorporation be and the same are hereby adopted to supercede and take the place of the existing articles of incorporation and all amendments thereto.

FIRST: The name of the corporation is: **KIMBLE COMPANY**

SECOND: The place in the State of Ohio where its principal office is located is in the City of:

(city, village or township)

(county)

THIRD: The purposes of the corporation are as follows:

THE CORPORATION IS FORMED FOR PURPOSES OF CONDUCTING ANY LAWFUL ACTS OR ACTIVITIES PERMITTED UNDER OHIO REVISED CODE SECTION 1701.03 ET SEQ., AS AMENDED.

FOURTH: The number of shares which the corporation is authorized to have outstanding is:
(Does not apply to box (2))

Must be authenticated
(signed) by an authorized
representative
(See instructions)

Kirk F. Kille

Authorized Representative

KEITH B. KIMBLE, PRESIDENT

(Print Name)

2-13-12

Date

Authorized Representative

(Print Name)

Date

AFFIDAVIT OF NATHAN D. VAUGHAN

I, Nathan D. Vaughan, state as follows:

1. All statements contained in this affidavit are based on my personal knowledge.
2. I am the General Counsel of Kimble Company formerly known as Penn Ohio Coal Co.
3. As part of my duties, I manage and control the corporate records.
4. The current Shareholders of Kimble Company are Doris Kimble, Keith Kimble, Eric Kimble and Greg Kimble. Each Shareholder owns 14.16 shares.
5. The current Officers of Kimble Company are:
 - President – Keith Kimble
 - Vice-President – Greg Kimble
 - Secretary – Eric Kimble
 - Treasurer – Doris Kimble

I AFFIRM, UNDER PENALTIES FOR PERJURY, THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

Nathan D. Vaughan
Nathan D. Vaughan

6/29/16
Date

Sworn and subscribed in my presence on this 29th day of June, 2016.

(Seal)



AUBREY M. MERRILL

**NOTARY PUBLIC
STATE OF OHIO**

My Commission Expires
June 2, 2020

[Signature]
Notary Public

AFFIDAVIT OF ERIC KIMBLE

I, Eric Kimble, state as follows:

1. All statements contained in this affidavit are based on my personal knowledge.
2. I am the Secretary, a director, and an employee of the Kimble Company, and I am not its sole proprietor.
3. On January 21, 2016 I made an electronic \$500 personal contribution to the Scott Taylor for Congress campaign which cleared on my credit card statement on January 23, 2016. This donation is evidenced in my personal credit card as "E Donation 1 703-6843435 VA, Reference #4190." I had been solicited by email for this personal contribution.
4. I made this contribution using my personal credit card, for which I pay from my personal funds from a personal checking account with Huntington National Bank, NA.
5. This contribution was made from me personally, and was not a donation on behalf of the Kimble Company. I was not reimbursed by the company for this campaign contribution, nor have I ever been reimbursed for campaign contributions.
6. The attached records are true and correct statements that confirm this transaction.

I AFFIRM, UNDER PENALTIES FOR PERJURY, THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

Eric S. Kimble
Eric Kimble

6-28-2016
Date

Sworn and subscribed in my presence on this 28 day of June, 2016.

(Seal)



Nathan D. Vaughan, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

Nathan D. Vaughan
Notary Public

Visa Signature®

ERIC S KIMBLE

January 16 - February 15, 2016

Account Information:
www.bankofamerica.comMail billing inquiries to:
Bank of America
P.O. Box 150235
El Paso TX 79965-0235Mail payments to:
Bank of America
P.O. Box 15019
Wilmington DE 19886-5019Customer Service:
1-800-432-1210

(1-800-340-3178 TTY)

Payment InformationNew Balance Total
Current Payment Due
Past Due AmountTotal Minimum Payment Due
Payment Due Date 3/12/16

Late Payment Warning: If we do not receive your Total Minimum Payment by the date listed above, you may have to pay a late fee of up to \$37.00 and your APRs may be increased up to the Penalty APR of 29.99%.

Total Minimum Payment Warning: If you make only the Total Minimum Payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

| | | |
|--|---|--|
| If you make no additional charges using this card and each month you pay | You will pay off the balance shown on this statement in about | And you will end up paying an estimated total of |
| Only the Total Minimum Payment | | |

If you would like information about credit counseling services, call 1-866-300-5238.

Account SummaryPrevious Balance
Payments and Other Credits
Purchases and Adjustments
Fees Charged
Interest ChargedNew Balance Total

Total Credit Line
Total Credit Available
Cash Credit Line
Portion of Credit Available for Cash
Statement Closing Date 2/15/16
Days in Billing Cycle 31**Transactions**

| Transaction Date | Posting Date | Description | Reference Number | Account Number | Amount | Total |
|------------------|--------------|---------------------------|------------------|----------------|--------|-------|
| 01/16 | 01/18 | Purchases and Adjustments | | | | |
| 01/17 | 01/18 | | | | | |
| 01/17 | 01/18 | | | | | |
| 01/17 | 01/19 | | | | | |
| 01/18 | 01/20 | | | | | |

BANK OF AMERICA
P.O. BOX 15019
WILMINGTON DE 19886-5019New Balance Total
Total Minimum Payment Due
Payment Due Date 03/12/16

ERIC S KIMBLE

DOVER OH

Enter payment amount \$

☐ Check here for a charge of mailing address or phone numbers.
Please provide all transactions on the reverse side.
Mail this coupon along with your check payable to Bank of America

1-800-432-1210

Visa Signature®

January 16 - February 15, 2016
Page 3 of 4

Transactions continued

| Transaction Date | Paying Date | Description | Reference Number | Account Number | Amount | Total |
|---------------------------|-------------|-------------|------------------|----------------|--------|--------|
| Purchases and Adjustments | | | | | | |
| 01/21 | 01/22 | | | | | |
| 01/22 | 01/22 | | | | | |
| 01/21 | 01/23 | EDONATION 1 | 703-6843435 | VA | 4198 | 500.00 |
| 01/22 | 01/23 | | | | | |
| 01/22 | 01/25 | | | | | |
| 01/23 | 01/25 | | | | | |
| 01/24 | 01/25 | | | | | |
| 01/25 | 01/27 | | | | | |
| 01/26 | 01/27 | | | | | |
| 01/27 | 01/30 | | | | | |
| 01/27 | 01/30 | | | | | |
| 01/29 | 02/01 | | | | | |
| 01/31 | 02/01 | | | | | |
| 01/31 | 02/02 | | | | | |
| 02/01 | 02/03 | | | | | |
| 02/04 | 02/06 | | | | | |
| 02/04 | 02/06 | | | | | |
| 02/06 | 02/08 | | | | | |
| 02/07 | 02/08 | | | | | |
| 02/08 | 02/10 | | | | | |
| 02/10 | 02/12 | | | | | |
| 02/11 | 02/13 | | | | | |
| 02/12 | 02/15 | | | | | |
| 02/13 | 02/15 | | | | | |
| | | | | | | |
| Fees | | | | | | |
| 01/29 | 02/01 | | | | | |
| 02/12 | 02/12 | | | | | |
| | | | | | | |
| Interest Charged | | | | | | |
| 02/15 | 02/15 | | | | | |

2016 Totals Year-to-Date

| | |
|--------------------------------|--|
| Total fees charged in 2016 | |
| Total interest charged in 2016 | |

Important Messages

You're a valued customer and we want you to know that we haven't received your current payment due. Please send your payment due today. If you've already mailed it, thank you.

Your statement balance exceeds the Total Credit Limit. To ensure uninterrupted use of your account, please make a payment to bring your balance under the Total Credit Limit. There is no fee for being over your Total Credit Limit.

1-800-444-4000

Interest Charge Calculation

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

| | Annual Percentage Rate | Promotional Transaction Type | Promotional Offer ID | Promotional Rate End Date | Balance Subject to Interest Rate | Interest Charges by Transaction Type |
|---|------------------------------|------------------------------------|-------------------------|---------------------------------|---|---|
| Purchases | | | | | | |
| Balance Transfers | | | | | | |
| Direct Deposit and Check Cash Advances | | | | | | |
| Bank Cash Advances | | | | | | |
| | | | | | | |

APR Type Definitions: Daily Interest Rate Type: V= Variable Rate (rate may vary)

Rewards

Of Special Interest

Does anyone actually like to budget? Probably not. But we can make it easier and get you on track to reach your goals in the new year. Learn more at bettermoneyhabits.com.